



08-12-04

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1631

IFW

AF

1631

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Attorney Docket No. FAZIX/1

NOTICE OF APPEAL FROM THE

PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Jonathan M. Friedman
Application No. : 09/910,592 Confirmation No. : 1403
Filed : July 20, 2001
For : METHOD OF THREE-DIMENSIONAL
MOLECULAR STRUCTURE DETERMINATION
EMPLOYING SYMMETRY-ENFORCED
ORTHOGONAL MULTI-CENTER SPHERICAL
HARMONIC-SPHERICAL BESSEL EXPANSION
Group Art Unit : 1631
Examiner : Cheyne D. Ly

New York, New York
August 11, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed February 11, 2004 in which the rejection of claims 1-12, 14-23, 37, 39-53, 61 and 62 was made final.

[] Applicants respectfully request an oral hearing before the Board of Appeals. The appropriate fee is submitted herewith.

[X] Address all correspondence to:

James F. Haley, Jr.

FISH & NEAVE

1251 Avenue of the Americas

New York, New York 10020-1105

08/13/2004 HALI11 00000039 061075 09910592

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Tel.: (212) 596-9000
Fax: (212) 596-9090

[] A check in the amount of [] \$165.00 [] \$330.00 in payment of the [] appeal fee, [] appeal and oral hearing fees, is enclosed.

[X] The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

[X] Please charge [X] \$165.00 [] \$330.00 to Deposit Account No. 06-1075 in payment of the [X] appeal fee, [] appeal and oral hearing fees. A duplicate copy of this Notice of Appeal form is enclosed.

EXTENSION FEE

[] The appropriate fee for a -month extension of time to respond to the final office action was timely paid.

[X] Please grant a three-month extension of time under 37 C.F.R. § 1.136(a) to respond to the February 11, 2004 Final Office Action. With this extension, a Response is due on or before August 11, 2004.

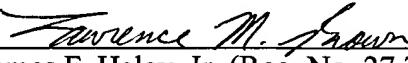
[X] The following extension fee is applicable to the Notice of Appeal filed herewith; [] \$55.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [] \$210.00 extension fee for response within the second month pursuant to 37 C.F.R. § 1.136(a); [X] \$475.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [] \$740.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); [] \$1,005.00 extension fee for fifth month pursuant to 37 C.F.R. § 1.136(a).

[X] A check in the amount of [] \$55.00; [] \$210.00; [X] \$475.00; [] \$740.00; [] \$1,005.00; in payment of the extension fee is transmitted herewith.

[] Please charge the [] \$55.00; [] \$210.00; [] \$475.00; [] \$740.00; [] \$1,005.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

[X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants

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